

**From:** Mason, Steve  
**To:** [Goodfellow, Bob](#); [Broyles, Ragan](#); [Smith, Monica](#)  
**Cc:** [Petersen, Chris](#)  
**Subject:** RE: draft boxer response questions 1 and 8  
**Date:** Monday, May 06, 2013 1:23:00 PM

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Looks good to me

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**From:** Goodfellow, Bob  
**Sent:** Monday, May 06, 2013 1:10 PM  
**To:** Broyles, Ragan; Mason, Steve; Smith, Monica  
**Cc:** Petersen, Chris  
**Subject:** RE: draft boxer response questions 1 and 8

Anything to add Steve?

*Bob Goodfellow*

U.S. Environmental Protection Agency  
Prevention and Response Branch (6SF-PC)  
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**From:** Broyles, Ragan  
**Sent:** Monday, May 06, 2013 11:48 AM  
**To:** Goodfellow, Bob; Mason, Steve; Smith, Monica  
**Cc:** Petersen, Chris  
**Subject:** RE: draft boxer response questions 1 and 8

Please remove the HQ references. Answer the questions as if they were our lead. Have the answers to Q1 and Q8 been sent to HQ? What is the current deadline for getting our input to HQ? and for HQ to get the response to Senator Boxer?

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**From:** Goodfellow, Bob  
**Sent:** Monday, May 06, 2013 9:05 AM  
**To:** Mason, Steve; Smith, Monica; Broyles, Ragan; Petersen, Chris  
**Subject:** RE: draft boxer response questions 1 and 8

Added response to 6.

*Bob Goodfellow*

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**From:** Mason, Steve  
**Sent:** Monday, May 06, 2013 7:48 AM

**To:** Smith, Monica; Broyles, Ragan; Petersen, Chris; Goodfellow, Bob

**Subject:** RE: draft boxer response questions 1 and 8

2. Sec. 112(r) of the Clean Air Act, including the general duty clause, was passed to enhance safety and reduce the risk from explosive chemicals. The press has reported that the West facility stored large amounts of ammonium nitrate, which can be highly explosive. Why is ammonium nitrate not on the list of covered chemicals that facilities must report to EPA under the Risk Management Program?

- Ammonium nitrate did not meet the criteria for listing as a toxic or flammable substance under RMP.

3. Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Sec. 112(r).

- A list of chemicals regulated under the Risk Management Program can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol15/xml/CFR-2011-title40-vol15-sec68-130.xml>. While there may be specific substances that could be included on the list, even if they do not meet the original criteria, it is just as important to stress to LEPCs and local communities the necessity to plan for, and coordinate planning with, those facilities that store chemicals that may not be on the RMP list, but may still present a large hazard to the community, or first responders responding to an incident at the facility.

4. Provide me with a list of all chemicals that facilities are required to report to state or local emergency planning authorities but are not required to report to EPA.

- EPA maintains a list of extremely hazardous substances, which can be found at 40 CFR 355, which LEPCs and States receive notifications from facilities if they store one of the substances above certain thresholds. Additionally, State and local officials receive inventory information on any hazardous chemical, as defined by OSHA under their Hazard Communication Standard – 29 CFR 1910.1200), which is stored above certain thresholds by a facility. There is no specific list of these chemicals; it is based on the criteria established by OSHA on whether a chemical is considered hazardous.

5. How many facilities fall under Sec. 112(r) of the Clean Air Act and where are they located?

- Nationally, there are currently 12,763 active RMP facilities under EPA jurisdiction. This includes facilities in all 50 states, Guam, Puerto Rico and the US Virgin Islands.

6. How often are those covered facilities inspected by EPA officials?

- Since early 2002 the Region has conducted slightly more than 1500 RMP inspections. Some facilities have deregistered and some have been inspected more than once, so of the 2291 currently active facilities, just under 1400 have been inspected at least once. Assuming an annual number of inspections of 150 and no duplicate inspections, it will take another 6 years to inspect the entire universe.

7. Who at EPA has lead responsibility for Sec. 112(r) of the Clean Air Act, and how does EPA ensure that oversight is regularly conducted at covered facilities?

- Within Region 6, both the Superfund Division and the Enforcement Division share the

responsibility of inspecting and regulating the covered facilities under RMP. At the national level, the Office of Emergency Management has oversight of the program side, while the Office of Enforcement and Compliance Assurance has oversight of the enforcement program of RMP.

8. Describe any and all fines issued against the West facility for failing to comply with safety standards related to chemicals.

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9. Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.

- Within Region 6, EPA regularly trains or exercises with various local, state, and federal agencies to be better prepared for chemical emergencies. For 14 years, EPA Region 6 conducted a regional or State-wide LEPC conference to provide LEPC officials with the most current information on chemical accident preparedness and prevention. For the past 12 years, EPA Region 6 has assisted in sponsoring and conducting HOTZONE, a region-wide training conference held in Houston each year. Over 5,000 first responders have attended this conference, learning hazardous materials response skills from the nation's premier trainers. Since 1988, EPA Region 6 has issued a bi-monthly update to each LEPC, Indian tribe, state, and regulated facility on the most up-to-date information on accident preparedness and prevention.

10. Describe how EPA can ensure that information about chemical accident prevention and emergency response could be distributed more widely to responsible authorities, including through electronic databases.

- EPA, working through our State partners, should conduct a national initiative to ensure that local elected officials (county judges, mayors, etc), understand the potential risks in their communities, where information is available on these risks (Tier II reports, RMP data, etc), on the responsibilities of communities under EPCRA to plan for such risks.

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**From:** Smith, Monica

**Sent:** Friday, May 03, 2013 12:03 PM

**To:** Broyles, Ragan; Petersen, Chris; Edlund, Carl; Goodfellow, Bob; Mason, Steve

**Subject:** draft boxer response questions 1 and 8

All - Here is the response to questions 1 & 8. Kim Jennings (OEM) asked for a response to questions 1 and 8 by Tuesday May 7.

Carl – if this meets your approval, I ask that you share it with David Gray for his review.

Bob and Steve – please send your draft responses to the other questions to Ragan, Chris P and myself so we can review them prior to sending them to Carl. If possible send them on by noon on Monday so any modifications can be made prior to Ragan/Chris sharing them with Carl.

Steve Mason and Bob Goodfellow are reviewing the other 8 questions to see if they have a regional perspective we may want to provide to the national response, in particular to questions 6, 7, and 9.

Question 6: How often are those covered facilities inspected by EPA officials

Question 7: Who at EPA has lead responsibility for Sec 112(r ) of the Clean Air Act, and how does EPA ensure that oversight is regularly conducted at covered facilities?

Question 9: Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.

I am sending this message to each of you as I will be out on furlough Monday (6:45am -8:45 am) and on leave the remainder of the day. On Tuesday, I am scheduled to work Flexiplace, have a doctor appointment at 1:40 pm and am taking 1 hour of furlough on Tuesday 3:15-4:15pm.

Monica

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